

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

SCOTT CLARKSON,

Plaintiff,

v.

CIVIL ACTION NO. 2:22-cv-00086

JOSHUA WAYNE DOWNEY et al.,

Defendants.

ORDER

Pending before the Court is Plaintiff's Letter-Form Complaint. (ECF No. 1.) By Standing Order entered in this case on February 23, 2022, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 4.) Magistrate Judge Tinsley filed his PF&R on November 14, 2022, recommending that this Court dismiss this civil action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (ECF No. 6.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general

and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R were due on December 1, 2022. (ECF No. 6.) To date, no objections have been filed. This constitutes a waiver of *de novo* review and Petitioner's right to appeal this Court's order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 6.). Petitioner's Letter-Form Complaint, (ECF No. 1), and thus this civil action, is **DISMISSED**, without prejudice. The Clerk is **DIRECTED** to remove this action from the Court's active docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 8, 2022

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE